

**REMARKS**

Claims 1, 16, 18, 20 and 22-27 were examined. Claim 25 is amended. Claims 1, 16, 20, and 22-27 remain in the Application.

The Patent Office rejects claims 24 under 35 U.S.C. § 102(e). The Patent Office rejects claim 25 under 35 U.S.C. § 103(a). The Patent Office finds claims 1, 16, 18, 20 and 22-27 allowable over the prior art of record. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

**A. 35 U.S.C. § 102(e): Rejection of Claim 24**

The Patent Office rejects claim 24 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Number 5,675,172 of Miyamoto, et al. (Miyamoto). The Patent Office directs attention to Figure 8B of Miyamoto where adjacent transistors have gate electrodes each of titanium nitride. See column 11, lines 28-33

Claim 24 is not anticipated by Miyamoto because Miyamoto does not describe a circuit device comprising a first transistor including a gate electrode comprising a first gate material and a second transistor complimentary to the first transistor including a second gate electrode comprising a second gate material that is different from any material of the first gate material and that is a nitride of the first gate material. As noted above, Miyamoto describes adjacent gate electrodes as each of a titanium nitride material (i.e., both containing titanium and both containing nitride using the Patent Office logic). It is noted that titanium metal and titanium nitride are different materials. It is true that both materials contain the atom titanium, but the titanium atom has different valence states in each.

Applicant respectfully requests the Patent Office withdraw the rejection to claim 24 under 35 U.S.C. § 102(e).

**B. 35 U.S.C. § 103(a): Rejection of Claim 25**

The Patent Office rejects claim 25 under 35 U.S.C. § 103(a) as obvious over Miyamoto. The Patent Office notes that Miyamoto discloses titanium gate material and believes it would be obvious to substitute the titanium gate material for tantalum.

Claim 25 depends from claim from claim 24 and therefore contains all the limitations of that claim. As noted above, claim 24 differs from Miyamoto in that the first gate material and the second gate material described in claim 24 are different from each other. Accordingly, substituting tantalum for titanium does not cure the defect in Miyamoto.

Applicant respectfully requests the Patent Office withdraw the rejection of claim 25 under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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